REMARKS

Status of Claims and Summary of the Office Action

After entry of the amendments, Claims 1-13 are pending in the Application. Claims 1-13 stand rejected. Applicants believe that former claims 14-15 are patentable over the cited art. Nevertheless, Applicants cancel former claims 14-15 above, for procedural reasons, to reduce the number of outstanding issues being considered in the present After Final stage of patent prosecution.

There is no Item 1 of the Office Action.

Items 2-4 of the Office Action appear to be unchanged from like-numbered items from the Earlier Office Action.

Item 2 rejects claims 1, 4, 7, and 10 under 35 U.S.C. § 102(e), hereinafter "Section 102(e)", as being anticipated by U.S. Patent No. [5,822,406] to Brown, hereinafter "Brown".

Item 3 rejects claims 2, 5, 8, 11, 13, and now-canceled 15 under 35 U.S.C. § 103(a), hereinafter "Section 103(a)", as being unpatentable over Brown in view of U.S. Patent No. 5,655,014 to Walsh *et al.*, hereinafter "Walsh".

Item 4 rejects claims 3, 6, 9, 12, and now-canceled 14 under Section 103(a) as being unpatentable over Brown in view of allegedly well-known prior art under the provisions of MPEP Sec. 2144.03.

Item 5 of the Office Action indicates that Applicants' arguments in response to the Earlier Office Action have been considered but are deemed not persuasive.

Applicants respectfully traverse all rejections and request reconsideration.

Section 102 Rejections

The Office Action repeats rejection of claims 1, 4, 7, and 10 as being anticipated by Brown. Applicants respectfully disagree.

In Applicants' system, the microphone (or headset) is connected to a telephone or an alternative device, depending on whether the sensed voltage exceeds a threshold. Item 2 of the Office Action contends that Brown teaches this Applicants' feature at Brown's col. 3, line 48 to col. 4, line 64 and in Brown's figs. 1B and 2. Applicants respectfully submit that Brown simply does not teach this feature of Applicants' system, in the cited portions or in any other portion.

Brown discusses a modem controller 112 that helps a computer perform twenty-one different telephony-related or data-transfer-related functions. Each of these functions corresponds to a "mode" (see Table 1) of the modem controller 112. The cited portions of Brown outline the basic architecture of Brown's system but do not discuss any actual connecting logic employed by the modem controller 112. At most, the cited portions of Brown merely disclose "a computer system 100 that is coupled to a telephone set 101, a modem 102, speaker 103,

headset 104, and microphone 105" (col. 3, lines 48-50) and that includes a "modem controller 112" that generates "switching control signals in accordance with an application program" (col. 4, lines 31-33). Among the inputs of the modem controller 112 is a local phone off-hook detect (LPOHD) (col. 4, lines 37-38).

The cited portions of Brown do not discuss the actual connecting logic employed by the modem controller 112. On the contrary, the cited portions of Brown state no more than that "[d]epending on which mode is selected by the user and the status of various devices as indicated by the hardware, the switching circuit automatically makes the proper connections" (col. 4, lines 14-17). Thus, as is exemplified by the just-quoted sentence of Brown, the cited portions of Brown at most merely state that the switching circuit will handle its inputs and otherwise do what the user-selected programming (i.e., "mode") tells the switching circuit to do. The cited portions of Brown do not give further elaboration. Accordingly, it is seen that the cited portions of Brown do not in fact teach or disclose the feature in question of Applicants' system.

It is the remaining non-cited portions of Brown that go on to discuss the actual switching that occurs in Brown's system, under each of the twenty-one modes. Applicants respectfully submit that Brown, even including these remaining non-cited portions, still does not in fact teach or disclose the feature in question of Applicants' system. Indeed, Brown exhaustively discusses all 21 "modes" of its system, but not one of the modes shows the feature in question of Applicants' system. Furthermore, Brown explicitly states that switching across the detailed modes is done simply by ordinary user selection (col. 4, lines 14-17).

Even under the Office Action's contention that the local phone off-hook detect (LPOHD) of Brown "reads on [Applicants'] claimed 'sensing a voltage'", then Brown still does not anywhere show Applicants' system's alternatively connecting a microphone (or headset) to a telephone or an alternative device depending on whether the sensed voltage exceeds a threshold. On the contrary, Brown discusses using the LPOHD signal only in various ways other than to alternatively connect a microphone (or headset) to a telephone or an alternative device, depending on whether the sensed voltage exceeds a threshold. For example, the LPOHD of Brown is used when Brown's system functions as a telephone answering machine--i.e., is in "mode 4". In mode 4:

> *When the telephone goes off-hook [i.e., is answered automatically], the detector 202 activates the LPOHD* signal. Thereupon, the firmware sets the modem up to record the message, similar to an answering machine.*
>
> (Brown, col. 9, lines 13-16, bracketed text added)

Thus, Brown's system will connect the telephone line to the computer's audio input for recording an incoming message, as triggered by the LPOHD, but this usage does not even

involve the microphone at all, much less make a connection or an alternative connection for the microphone.

In summary, Applicants have shown in detail that Brown does not disclose all elements of any of Applicants' claims. Therefore, Brown does not anticipate any of Applicants' claims.

Rejections Under Section 103

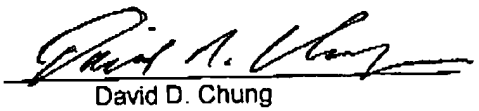
The Office Action repeats rejection of dependent claims 2, 5, 8, 11, 13, and now-canceled 15 under Section 103(a) as being unpatentable over Brown in view of Walsh. The Office Action repeats rejection of claims 3, 6, 9, 12, and now-canceled 14 under Section 103(a) as being unpatentable over Brown in view of allegedly well-known prior art under the provisions of MPEP Sec. 2144.03. Applicants respectfully disagree with these rejections.

The Office Action relied on Brown to supply the feature, discussed above in connection with Section 102, that is part of every dependent claim via dependency. Applicants have shown above and previously that Brown does in fact, not disclose or suggest this feature. The Examiner has not alleged that Walsh or general knowledge discloses or suggests this feature, and Applicants have explained previously that Walsh does not disclose or suggest this feature. Accordingly, even if all cited references were combined, the combination would still not include all limitations of any claim. Accordingly, the dependent claims are allowable over any combination of the cited art under Section 103.

Conclusion

Therefore, Applicants submit that their invention as currently claimed is not disclosed, taught, or suggested by the references of record. Therefore, it is submitted that all of the claims are allowable over the art of record, and it is respectfully requested that the application be passed to allowance.

Respectfully submitted,



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